S.B.CIVIL WRIT PETITION NO.4515/2007

M/s Vaishnavi Filling Station
v.
Chairman, Indian Oil Corpn. Ltd. & Ors.

Date of Order :: 6th August, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. M.S.Godara, for the petitioner.

....

The petitioner entered into an agreement with respondent Oil Corporation to provide tanker trolly as per the conditions prescribed under Bulk Petroleum Products Road Transport Agreement. Under an order dated 18.6.2007 the Chief Operation Manager, Indian Oil Corporation Ltd., Jaipur black listed the tanker trolly and directed the petitioner for decanting/unfilling the product at Mathura Refinery at his own costs. Being aggrieved by the same this petition for writ is preferred.

The contention of counsel for the petitioner is that before passing the order impugned adequate opportunity of hearing was not given to the petitioner, as such the order impugned is in violation of principles of natural justice.

The right whatever claimed by the petitioner are arising out of a private contract and the

guidelines prescribed therein. I do not consider it appropriate to entertain this petition for writ under Article 226 of the Constitution of India for the performance of conditions prescribed under a private contract. Counsel for the petitioner placed reliance upon the judgment of Hon'ble Supreme Court in the case of Harbanslal Sahnia and another v. Indian Oil Corpn. Ltd. and others. (AIR 2003 SC 2120), holding therein that wherever there is violation of principles of natural justice and violation of fundamental rights, the Court can entertain a petition for writ ignoring alternative remedy available including the remedy of arbitration. In the instant matter the question is not with regard to availability of alternative remedy but relating to adjudication of rights said to be accrued under a private contract, as such the reliance placed by counsel for the petitioner is misplaced.

The writ petition for the reason given above, is dismissed.

(GOVIND MATHUR),J.

Kkm/ps.